

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3444

IN THE MATTER OF:

Served December 21, 1989

Formal Complaint of AMERICAN COACH)
LINES, INC., Against EASY TRAVEL,)
INC.)

Case No. FC-89-03

On November 20, 1989, American Coach Lines, Inc. (ACL), filed a formal complaint against Easy Travel, Inc. (Easy Travel), alleging that Easy Travel has been operating in knowing violation of the Compact and Commission regulations. ACL further alleges that Easy Travel has been operating two vans, identified in the complaint by their license plate numbers, transporting passengers between points in the Metropolitan District. ACL cites a specific incidence alleged to have occurred on November 16, 1989.

On November 30, 1989, Easy Travel filed an answer to the complaint, along with an affidavit of Easy Travel's president. Easy Travel's answer states that it does not own one of the vans cited by ACL and denies ACL's allegations of violations. The affidavit of Easy Travel's president states "without qualification that it did not operate the said white Ford van or any other van on November 16, 1989 to provide tour of [sic] services or for any other purpose."

The Compact, Title II, Article XII, Section 13(a), provides in pertinent part:

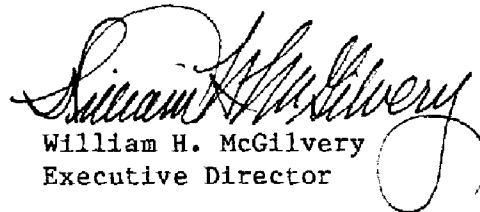
Any person may file with the Commission a complaint in writing with respect to anything done or omitted to be done by any person in contravention of any provision of this Act, or of any requirement established pursuant thereto. If the person complained against shall not satisfy the complaint and there shall appear to be any reasonable grounds for an investigation, the Commission shall investigate the matters complained of. Whenever the Commission is of the opinion that any complaint does not state facts which warrant action on its part, it may dismiss the complaint without hearing.

As this matter now stands there are facts in dispute. ACL states in its complaint that it "will present live witnesses who can establish that Easy Travel has been providing passenger services within the Metropolitan District." If Easy Travel has been providing passenger services they would likely be in violation of the Compact because Easy Travel does not now hold and has not previously held any

operating authority from this Commission. Inasmuch as ACL has made a proffer of "live witnesses," we see an opportunity to determine whether there are "any reasonable grounds for an investigation." ACL is hereby provided an opportunity to file with the Commission, no later than Friday, January 5, 1990, affidavits from the proffered live witnesses establishing clearly the basis for ACL's complaint. We will consider this matter further upon timely receipt of such affidavits. Copies of the affidavits shall simultaneously be served upon Easy Travel, Inc., by American Coach Lines, Inc.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director